

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

Expedited Consideration Requested

**EX PARTE MOTION OF CITY OF DETROIT FOR ENTRY OF ORDER
ADJOURNING HEARING ON (1) MOTION OF DEBTOR FOR ENTRY OF
AN ORDER (I) AUTHORIZING THE ASSUMPTION OF THAT CERTAIN
FORBEARANCE AND OPTIONAL TERMINATION AGREEMENT
PURSUANT TO SECTION 365(A) OF THE BANKRUPTCY CODE, (II)
APPROVING SUCH AGREEMENT PURSUANT TO RULE 9019, AND (III)
GRANTING RELATED RELIEF [DKT NO. 157]; (2) DEBTOR'S MOTION
IN LIMINE TO EXCLUDE TESTIMONY OF ALEXANDRA
SCHWARZMAN [DKT NO. 893]; (3) OBJECTORS' MOTION *IN LIMINE*
TO PRECLUDE DEBTOR FROM OFFERING EVIDENCE REGARDING
THE LIKELIHOOD OF SUCCESS, COMPLEXITY, AND EXPENSE OF
CLAIMS THE CITY SEEKS TO SETTLE WITH THE FORBEARANCE
AND OPTIONAL TERMINATION AGREEMENT [DKT NO. 933]; (4)
OBJECTORS' MOTION *IN LIMINE* TO PRECLUDE DEBTOR FROM
OFFERING EVIDENCE REGARDING THE CITY'S NEED TO OBTAIN
CASINO REVENUES IN CONNECTION WITH ITS DEBTOR-IN-
POSSESSION FINANCING EFFORTS [DKT NO. 935]; (5) DEBTOR'S
MOTION *IN LIMINE* TO EXCLUDE TESTIMONY OF SAQIB BHATTI
[DKT. NO. 944]; AND (6) OBJECTORS' MOTION TO ADMIT CERTAIN
DEPOSITION TESTIMONY OF KEVYN ORR AND
KENNETH BUCKFIRE [DKT NO. 954]**

The City of Detroit’s Motion for Entry of an Order (I) Authorizing the Assumption of that Certain Forbearance and Optional Termination Agreement Pursuant to Section 365(a) of the Bankruptcy Code, (II) Approving Such Agreement Pursuant to Rule 9019, and (III) Granting Related Relief (the “**Assumption Motion**”) is currently set to be heard before this Court on September 24, 2013, together with hearings on certain related evidentiary motions. *See* Docket Nos. 893, 933, 935, 944 and 954 (the “**Evidentiary Motions**”).

A number of objections to the Assumption Motion were filed by various entities (collectively, the “**Objectors**”). The City is engaged in ongoing discussions with the Objectors to try to resolve some or all of those objections. The City believes that an adjournment of the hearing on the Assumption Motion and the Evidentiary Motions, in order to allow those discussions to continue, would promote efficiency and be in the best interest of all parties.

Accordingly, the City hereby moves for entry of an order, in the form attached hereto as Exhibit 1, adjourning the hearing on the Assumption Motion and the Evidentiary Motions.

CONCURRENCE

The City has sought and obtained the concurrence of Syncora Guarantee Inc., Financial Guaranty Insurance Company, UBS AG and Merrill

Lynch Capital Services, Inc. in the relief requested herein. The Objectors received notice of the relief requested herein on September 20, 2013.

Dated: September 23, 2013

Respectfully submitted,

/s/ Robert S. Hertzberg

Robert S. Hertzberg (P30261)
Deborah Kovsky-Apap (P68258)
PEPPER HAMILTON LLP
4000 Town Center, Suite 1800
Southfield, MI 48075
Telephone: (248) 359-7300
Fax: (248) 359-7700
hertzbergr@pepperlaw.com
kovskyd@pepperlaw.com

- and -

Thomas F. Cullen, Jr.
Gregory M. Shumaker
Geoffrey S. Stewart
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001.2113
Telephone: (202) 879-3939
Facsimile: (202) 626-1700
tfcullen@jonesday.com
gshumaker@jonesday.com
gstewart@jonesday.com

**ATTORNEYS FOR THE CITY OF
DETROIT**

EXHIBIT 1

PROPOSED ORDER

UNITED STATES BANKRUPTCY COURT
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ORDER ADJOURNING HEARING

This matter having come before the Court on the motion of the Debtor, and the Court being otherwise advised in the premises;

IT IS HEREBY ORDERED that the hearing on the Assumption Motion¹ [Docket No. 157] and the Evidentiary Motions [Docket Nos. 893, 933, 935, 944 and 954] is ADJOURNED until _____, 2013 at __:___ .m., in Courtroom 100, Theodore Levin United States Courthouse, 231 W. Lafayette Blvd., Detroit, Michigan (the “**Hearing**”).

IT IS FURTHER ORDERED that any responses to the Evidentiary Motions shall be filed no later than ___ days prior to the Hearing. Any replies in

¹ Capitalized terms not defined herein shall have the meanings set forth in the Debtor’s motion.

support of the Assumption Motion or the Evidentiary Motions shall be filed no later than ____ days prior to the Hearing.